

REMARKS/ARGUMENTS

Claims 2 and 3 are canceled. Claim 1 was previously canceled. Claims 13 and 14 are added. The claims now in the application are 4 to 14.

A Certificate of Translation by Yuzo Takebayashi stating that the English translation of Japanese Patent Application No. 11-337702, filed November 24, 1999, which was certified on August 9, 2004, by Midoriko Matsuda and which was filed in the USPTO on September 9, 2004, is a true and correct translation of that Japanese document accompanies this paper.

Examiner Nolan is thanked for the interview courteously granted Applicant's representative on March 22, 2005. The following contains the substance of the presentation made at that interview.

New Claims 13 and 14 are identical in wording and content with canceled Claims 2 and 3, respectively.

RE: THE DETAILED ACTION

The request for sequentially numbered claims is complied with by deleting Claims 2 and 3 and presenting them as new Claims 13 and 14.

The comment on the availability of copending application 10/505,447 is noted. However, that application became available in time for the interview date and Applicants' proffered claim copy was therefore unnecessary. It had been determined by the Examiner that the claims of that application raise no issue of double patenting.

It is assumed that the "Rejections Withdrawn" section was intended to refer to the previously contested rejection of Claims 2-12 under 35 U.S.C. § 103 as being unpatentable over JP 05-294376A (abstract) in view of Bird and Kitaoka.

Reconsideration and withdrawal of the provisional rejection of Claims 2-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

Claims 8 and 10 of copending Application No. 10/343,308 in view of Bird and Kitaoka are requested.

Applicants' arguments are as follows.

The motivation justifying the combination of the Bird disclosure with the claims of the copending application was stated, in the referred to previous Official Action, to be able to make the carrier tapes less expensively. Applicants respond by noting that the prior carrier tapes referred to by Bird were paper base, nonwoven materials or a multi-layered-polymeric foam structure. The claims of the copending application do not define that type of structure. The cost argument is therefore insufficiently supported in Applicants' view

In addition, the subject claims specify a particular range of relative proportions of specifically polyethylene terephthalate resin and polycarbonate resin in the base layer, which relative proportions are particularly advantageous. Bird et al. do not disclose relative proportions for their blends at the referred to col. 6, lines 14-22, which simply itemize polymeric materials which "may comprise the blend". The specific examples of the blends of Bird et al., found in the paragraphs at col. 11, lines 11 and 53, are of blends of hydrocarbon polymers.

In addition, the Bird et al. specify a "simple strip portion" which "comprises a layer of thermoplastic polymeric foam", col., 3, the paragraph at line 10. The thermoplastic foam is clearly not properly embossable, please see col. 7, lines 22 to 29. And moreover, a foam structure would not be expected to be transparent. Hence, for such additional reasons, the stated combination of the claims of the copending application with the Bird et al. disclosure does not render the subject claims obvious over the copending claims.

Reconsideration and withdrawal of the provisional rejection of Claims 2-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

Claims 17-18 of copending Application No. 10/296,937 in view of Bird and Applicants' admission at page 1, lines 8-13 of the specification are requested.

Claims 17-18 have been deleted, as is evident from the attached amendment filed in the copending application. Similar claims do not appear in the amendment.

Hence the stated provisional rejection is moot.

Reconsideration and withdrawal of the provisional rejection of Claims 2-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 23 and 24 of copending Application No. 10/635,501 in view of Kitaoka are also requested.

As is evident from the following quotation justifying the rejection, the rejection actually combines Claims 22, 23 and 24. These claims are present in the amended application.

The '501 application claims cover sheets comprising a polycarbonate surface layer (Claim 22, last two lines) and a substrate layer containing 1 to 50% polycarbonate resin (Claim 24, line 2) along with polyethylene terephthalate (Claim 23, line 5).

Applicants' observer however that Claim 24 depends from main Claim 22 and not from Claim 23, and recites that the polycarbonate resin content range is "present in an amount of from 1 to 50% based on the thermoplastic resin". The "thermoplastic resin" referred to is that of Claim 22, not of Claim 23, and it is "an acrylonitrile-butadiene-styrene copolymer resin and/or a polystyrene resin", far removed from a polyethylene terephthalate resin. Claim 23 indicates that the last, among other alternatives, may be included in the substrate layer, but no proportions are given. Hence, there is no basis for inferring from such a premise the relative proportions for the two resins specified in the subject claims. Hence there is no double patenting in Applicants' view.

During the interview, it was noted by Applicants' representative that the disclosure in the published copending application U.S. 2004/0048071A1 appears in its grandparent application, now U.S. Patent 6,485,832 and that its Example 15 is particularly relevant.

However, the earliest prior art 102(e) date is that of the parent PCT application October 26, 2000, while Applicants' priority date is that of the Japanese Patent application 11-337,702, filed November 29, 1999.

A certified translation of the priority document was filed on September 9, 2004, but it focused on Table 1 thereof. Accordingly, out of caution, a Certificate of Translation is herewith submitted, which states that the prior translation is a translation of the priority document.


It follows that a possible section 102(e) based rejection is overcome.

The Examiner interview summary indicates that Examiner Nolan viewed applicants' presentation as persuasive.

Favorable reconsideration is therefore solicited.

Respectfully submitted,

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